IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 20622 OF 2005

Date: 26.09.2005

BETWEEN:

1. Asghar Ali Khan and another

…. PETITIONERS

Vs.

1. The Commissioner, Municipal Corporation of Hyderabad, office at Tank Bund, Hyderabad, and another.

…. RESPONDENTS

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO. 20622 OF 2005

ORDER:

The petitioners are the owners of house situated at Sha-Ali-Banda road, Hyderabad. They allege that the Municipal Corporation of Hyderabad (MCH), the first respondent has taken up road widening programme. In that connection the officials of respondents 1 and 2 came to the petitioners' property and threatened to demolish the property without due process of law. Therefore, they filed the present writ petition.

Section 145 of the Hyderabad Municipal Corporation Act, 1955 (for short 'the Act') enables the MCH to negotiate with the owners of the land whenever the land is required for widening the road or for other purposes. If the owners are not willing to give their consent, necessarily MCH has to acquire the land in accordance with Section 147 of the Act. It is not denied before this Court that MCH did not so far initiate any proceedings as per Section 147 of the Act or the Land Acquisition Act, 1894. Therefore, unless and until the petitioners are

deprived of the land in accordance with the provisions of Section 147 of the Act read with Land Acquisition Act, 1894, the petitioners' possession cannot be disturbed. It shall however be open for the MCH to acquire the land in accordance with law.

The Writ Petition, with the above observations, is accordingly disposed of at the admission stage.

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(**V.V.S. RAO, J.)**

26th September, 2005

Note: C.C. by Two days.

B/o

Js.